Group Art Unit:

Examiner:

Karl Tamai

Under the Paperwork Reduction Act of 19-5, no persons are required to respond to a collection of information unless it displays a valid OMB control number

PETITIONFORREVIVAL OF AN APPLICATION FORPATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

Docket Number (Optional)

First named inventor: Steven Mezinis

Application Number: 09/682,451

Filed: 08/15/2001

Title: ELECTRIC-MAGNETIC FIELD MOTIVATOR

Attention: Office of Petitions

Assistant Commissioner for Patents

Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- Petition fee:
- (2)Reply and/or issue fee:
- Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed (3)before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

RECEIVED JAN 1 4 2003

1	Petition	foo
۲.	i Cuuon	iee

X	small entity - fee \$_78.00	37 CFR 1.17(I)). Applicant claims small entity statistice of PETITIO	INS
	See 37 CFR 1.27.	The stand of the stands.	

other than small entity - fee \$(37 CFR 1	1.17(1)).
---	-----------

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form ofRevival of Abandoned Application	(identify the type of reply):
has been filed previously on is enclosed herewith.	LEY 245.1 -42.00 0p -36.00 0p 1, 09682451 35.00
B. The issue fee of \$ 08/15/2001 is enclosed herewith.	72003. AKELLI 000015. 09622 11. 5060014 0000123760

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patern and Trade mark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTC/SB/61 (10-00)

Approved the through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark C. Le; U.S. DEPARTMENT OF COMMERGE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITIONFORREVIVAL OF AN APPLICATION FORPATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)
3. Terminal disclaimer with disclaimer fee
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is require
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$for a small entity of \$for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).
4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.
WARNING: Information on this form may be come public. Credit cardinformation should not be included on this form. Provide credit cardinformation and authorization PTO-2038.
01/04/2003 Steven & Gg.
Date Signature Signature
Telephone Steven Mezinis
Number: (831)726-3071 Typed or printed name
230 Carneros Rd.
Address
Aromas, CA 95004
Enclosures: X Fee Payment
X Reply
Terminal Disclaimer Form
Additional sheets containing statements establishing unavoidable delay
CERTIFICATE OF MAILING OR TRANSMISSION[37 CFR 1.8(a)]
I hereby certify that this correspondence is being:
deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
IX transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.
Date Signature Signature
Steven Mezinis
Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITIONFORREVIVAL OF AN APPLICATION FORPATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

01/05/2003 Date

Steven Mezinis Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Besides that which already has been indicated; enclosed you will find:

- 1) Copies of 1st office action documents
- 2) Copies of 2nd office action documents
- 3) Copies of 3rd office action documents
- 4) Response to 2nd office action
 - a) Cover letter
 - b) Documents addressing 2nd office action issues
 - i) Claim amendments
 - ii) Change of invention title
 - iii) Remarks and arguments
- 5) Réasons for delay that led to abandonment

The notes on the office actions are mine and were for my use.

(Pleasættachadditionalsheetst additionalspaces necessary)

2 700 8		-
	Application No.	Applicant(s)
	09/682,451	MEZINIS, STEVEN
ADBUARTS Office Action Summary	Examiner	Art Unit
	Tamai IE Karl	2834
- The MAILING DATE of this communicate Period for Reply	tion appears on the cover sheet w	Ith the correspondence address —
A SHORTENED STATUTORY PERIOD FOR THE MAILING DATE OF THIS COMMUNICA: - Extensions of time may be available under the provisions of 3 after SIX (8) MONTHS from the mailing date of this communic. - If the period for reply specified above is less than thirty (30) da If NO period for reply is specified above, the maximum statutor Failure to reply within the set or extended period for reply within the set of extended period for reply is set of extended period for reply within the set of extended period for reply within the set of extended period for reply is set of extended period for reply within the set of extended period for reply is set of extended period for reply is set of extended period for reply is set of exten	TION. 7 CFR 1.136(a). In no event, however, may a stron. ys. a reply within the statutory minimum of thir y period will apply and will expire SIX (6) MOR	reply be timely filed by (30) days will be considered timely. THS from the mailing date of this communication.
1) Responsive to communication(s) filed (
	This action is non-final.	
3) Since this application is in condition for		Horo freedomation as to the
closed in accordance with the practice	under Ex parte Quayle, 1935 C.	D. 11, 453 O.G. 213.
Disposition of Claims	1	•
4) Claim(s) 1-7 is/are pending in the application	cation.	
4a) Of the above claim(s) is/are w	ithdrawn from consideration.	
5) Claim(s) is/are allowed.		750
6) Claim(s) is/are rejected.		REC
7) Claim(s) 1-7 is/are objected to.		JAN 1
8) Claim(s) are subject to restriction	and/or election requirement.	•
Application Papers		OFFICE OF P
9)⊠ The specification is objected to by the Exa	aminer.	
10) The drawing(s) filed on is/are: a)	accepted or b) objected to by the	ne Examiner.
Applicant may not request that any objection	n to the drawing(s) be held in abeya	nce. See 37 CFR 1.85(a).
11) The proposed drawing correction filed on		sapproved by the Examiner.
If approved, corrected drawings are required		
12) The oath or declaration is objected to by the	he Examiner.	
Priority under 35 U.S.C. §§ 119 and 120		•
13) Acknowledgment is made of a claim for fi	oreign priority under 35 U.S.C. §	119(a)-(d) or (f).
a) ☐ All b) ☐ Some ° c) ☐ None of:		-
1. Certified copies of the priority docu		
2. Certified copies of the priority docu	ments have been received in Ap	plication No
 3. Copies of the certified copies of the application from the Internation See the attached detailed Office action for 	al Bureau (PCT Rule 17 2/a))	
14) Acknowledgment is made of a claim for doi		
a) The translation of the foreign tanguag 15) Acknowledgment is made of a claim for do	e provisional application has be	en received.
Mtachment(s)	, , , , , , , , , , , , , , , , , , , ,	
) Notice of References Cited (PTO-892)) Notice of Draftsperson's Patent Drawing Review (PTO-94)) Information Disclosure Statement(s) (PTO-1449) Paper N	8) 5) Notice of In-	ummary (PTO-413) Paper No(s) formal Patent Application (PTO-152)

Application/Control Number: 09/682,451
Art Unit: 2834

Page 2

DETAILED ACTION

1. The claims are objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner. For example, the following items are not understood: it is unclear if the Applicant has provided one claim with seven parts or seven separate claims.

Applicant is required to submit an amendment which clarifies the claims so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

A shortened statutory period for reply to this action is set to expire ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter.

- 2. The examiner has provided the following examples of claims to assist the Applicant in drafting acceptable claims:
 - 1) A device that uses electrostatic and magnetic fields to produce motion comprising a motivator and a target, where said device includes a means for inducing an electric and magnetic field in said motivator and said target, said means for inducing an electric field including a means to induce an electric charge within a conductive mass to polarize the mass by burying dielectrically insulated high voltage emitters within said mass, and a means to assist said polarizing of said conductive mass with a low voltage field, where the fields

Art Unit: 2834

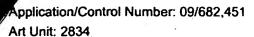
Page 3

induced in said target by said motivator will be attracted and/or repelled by said motivator.

OR

- A device that uses electrostatic and magnetic fields to produce motion comprising a motivator and a target.
- The device of Claim 1, including a means for inducing an electric and magnetic field in said motivator and said target.
- 3) The device of Claim 2, where said means for inducing an electric field including a means to induce an electric charge within a conductive mass to polarize the mass by burying dielectrically insulated high voltage emitters within said mass.
- 4) The device of Claim 3, including a means to assist said polarizing of said conductive mass with a low voltage field, where the fields induced in said target by said motivator will be attracted and/or repelled by said motivator.

The examiner has not considered the above claims in regards to the statutory requirements for obtaining a patent. The examiner has merely repeated the Applicant's original claims as a single claim and as dependent claims, as best understood by the examiner. The Applicant should consult the MPEP 714 egarding the manner and form of making amendments to the claims and the specification



Page 4

3. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai at (703) 305-7066.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703)308-1371. The facsimile number for the Group is (703)305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist at (703) 308-0956.

Karl I Tamai PRIMARY PATENT EXAMINER January 15, 2002

127	[8 m		· :
محود ا	ैं इं	Application No.	Applicant(s)
		09/682.451	MEZINIS, STEVEN
MADR	Office Action Summary	Examiner	Art Unit
	·	Tamai IF Kad	2024
Perio	- The MAILING DATE of this communication of the Reply	on appears on the cover sheet i	with the correspondence address -
A: TH - E	SHORTENED STATUTORY PERIOD FOR F HE MAILING DATE OF THIS COMMUNICAT Extensions of time may be available under the provisions of 37 offer SIX (6) MONTHS from the mailing date of this communication if the period for reply specified above is less than thinty (30) days if NO period for reply is specified above, the maintnum statutiony Failure to reply within the set or extended period for reply will, by Any reply recoived by the Office latter than three months after the samed patent term adjustment. See 37 CFR 1 704(h)	REPLY IS SET TO EXPIRE 3 N TION. CFR 1.138(a). In no event, however, may a sign. In a reply within the statutory minimum of this y period will apply and will expire SIX (8) MOI	MONTH(S) FROM a reply be timely filed wirty (30) days will be considered timely. NATHS from the mailing date of this communication.
1)[- 04 (
2a)[2	CT	•	
3)[Since this application is in condition for a	This action is non-final.	
Dispos	closed in accordance with the practice usition of Claims	under ex parte Quayre, 1935 C.	itters, prosecution as to the merits .D. 11, 453 O.G. 213
4)[\boxtimes Claim(s) 1-4 is/are pending in the applica		· .
	4a) Of the above claim(s) is/are with		
1	Claim(s) is/are allowed.		
	☑ Claim(s) <u>1-4</u> is/are rejected.		
3	Claim(s) is/are objected to.		
Applica	Claim(s) are subject to restriction a ation Papers		
	The specification is objected to by the Exar		
	The drawing(s) filed on is/are: a)☐ a	accepted or b) objected to by the	he Fxaminer.
·	Applicant may not request that any objection	to the drawing(s) be held in abeva	ance See 37 CER 1 85/5)
11)_	I he proposed drawing correction filed on _	is: a) approved b) di	isapproved by the Examiner.
·	п approved, corrected drawings are required i	in reply to this Office action.	,
	The oath or declaration is objected to by the	e Examiner.	
	under 35 U.S.C. §§ 119 and 120	•	•
13)[_	Acknowledgment is made of a claim for for	reign priority under 35 U.S.C. §	§ 119(a)-(d) or (f).
a	I) ☐ All b) ☐ Some * c) ☐ None of:		
	1. Certified copies of the priority docum	nents have been received.	
	2. Certified copies of the priority docum	nents have been received in Ap	polication No.
	3. Copies of the certified copies of the papplication from the International See the attached detailed Office action for a	priority documents have been r	received in this National Stage
14)[]	Acknowledgment is made of a claim for dome	estic priority under 35 U.S.C. (£ 410/01/to a acquisional application
15)[Acknowledgment is made of a claim for domi	Orovisional application has been	on received
viracumen	т(s)		
1) 🔀 Nour	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview S	ummary (PTO-413) Paper No(s)

Art Unit: 2834



DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 112

write in claim

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Claims 1-4 rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling.

Art Unit: 2834

Page 3

The specification does not dislose how the target is to be supported to provider rotational, linear or vibrational energy. The support for the target is critical or essential to the practice of the invention, but not included in the claims is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 6. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the structural relationship between the motivator, the target and a means for inducing and electric and magnetic field. The structure which goes to make up the device must be clearly and positively specified, so as to set forth the metes and bounds of the invention. 1See MPEP § 2171.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Page 4

Art Unit: 2834

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hosoya et al. (Hosoya) (JP 04-101,672). Hosoya teaches a movitator 2 driving a target 11 by electrostatic electrodes and a magnetic field.

Claim Rejections - 35 USC § 103

- 9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 10. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoya in further view of Bobbio. Hosoya teaches the electrodes buried in the mass on a conductive core 2. Hosoya teaches a low voltage DC source 23 to assist in the polarization of the electrodes P to attract and repel the movitator. It is inherent that the electrodes P are insulated from the core. Hosoya teaches every aspect of the invention except dielectric insulation on the electrodes. Bobbio teaches dielectric insulation for electrostatic electrodes. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Hosoya with the electrodes insulated with a dielectric to prevent short circuits with the stator case or between electrodes.

Art Unit: 2834

Page 5

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (703) 305-7066.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703)308-1371. The facsimile number for the Group is (703)305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is

(703) 308-0956.

Karl I Tamai
PRIMARY PATENT EXAMINER
April 22, 2002

2

206 3308 7

DATE MAILED: 12/03/2002





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Ufflow Allers, COMMISSIONER OF PATENTS AND TRADEMARK Washington, D.C. 20211

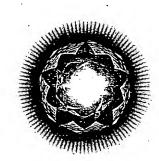
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/682,451	08/15/2001	Steven Mezinis	·	9835
27802 . 2	590 12/03/2002			-
STEVEN ME			EXAMI	NER
230 CARNERO AROMAS, CA		•	TAMAI, I	KARL I
			ART UNIT	PAPER NUMBER
			2834	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	3
Mail a di Abaindanasa	09/682,451	MEZINIS, BITE	EN "
Notice of Abandonment	Examiner	Art Unit	
	Tamai IE Karl	2834	
- The MAILING DATE of this communication	appears on the cover sheet	with the correspondence a	ddress
This application is abandoned in view of:			
Applicant's failure to timely file a proper reply to the C (a) ☐ A reply was received on (with a Certificate period for reply (including a total extension of time	of Mailing or Transmission dat	ed), which is after the	expiration of the
(b) A proposed reply was received on, but it do	oes not constitute a proper rep	ly under 37 CFR 1.113 (a) to	the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection in condition for allowance; (2) a timely Continued Examination (RCE) in compliance with	filed Notice of Appeal (with ap	ely filed amendment which p peal fee); or (3) a timely filed	laces the Request for
(c) A reply was received on but it does not confinal rejection. See 37 CFR 1.85(a) and 1.111. (S			ply, to the non-
(d) ⊠ No reply has been received.			
Applicant's failure to timely pay the required issue fee from the mailing date of the Notice of Allowance (PTC)		ble, within the statutory perio	d of three months
(a) The issue fee and publication fee, if applicable,, which is after the expiration of the statutor Allowance (PTOL-85).	was received on (with ry period for payment of the iss	a Certificate of Mailing or T ue fee (and publication fee)	ransmission dated set in the Notice of
(b) The submitted fee of \$ is insufficient. A bala	ance of \$ is due.	,	
The issue fee required by 37 CFR 1.18 is \$	The publication fee, if requi	red by 37 CFR 1.18(d), is \$_	 •
(c) The issue fee and publication fee, if applicable, ha	s not been received.		-
 Applicant's failure to timely file corrected drawings as a Allowability (PTO-37). 	required by, and within the thre	e-month period set in, the N	otice of
(a) Proposed corrected drawings were received onafter the expiration of the period for reply.	(with a Certificate of Maili	ng or Transmission dated), which is
(b) No corrected drawings have been received.			
. The letter of express abandonment which is signed by the applicants.	y the attorney or agent of recor	d, the assignee of the entire	interest, or all of
The letter of express abandonment which is signed by 1.34(a)) upon the filing of a continuing application.	y an attorney or agent (acting i	n a representative capacity u	nder 37 CFR
The decision by the Board of Patent Appeals and Inte of the decision has expired and there are no allowed or		nd because the period for se	eking court review
. The reason(s) below:			
		را من	د.
		RANIMAXA YRANII	w/2/
·		Tamai IE Karl Primary Examine Art Unit: 2834	er
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to with minimize any negative effects on patent term.	hdraw the holding of abandonmen		promptly filed to

Document 4a, Cover Letter in response to Office Action 2





Thursday, July 18, 2002

USPTO Commissioner of Patents and Trademarks Washington, D.C. 20231

Attn: Karl Tamai

Re: Application No. 09/682,451

Dear Karl:

Enclosed you will find:

1. A response to the last Office Action

2. A document citing references as per our phone conversation of Thursday, July 18, 2002

Thank you for your help and cooperation in putting this together.

Sincerely,

Steven Mezinis